

TOWNSHIP OF WALL

ORDINANCE NO. 16 - 1990

AN ORDINANCE AMENDING CHAPTER XV, "ZONING", OF "THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WALL", COUNTY OF MONMOUTH AND STATE OF NEW JERSEY, PERTAINING TO THE MOUNT LAUREL ACCESSORY APARTMENT PROGRAM.

WHEREAS, the Township of Wall is required to provide a reasonable opportunity for the creation of low and moderate income housing, the purpose of this Ordinance is to establish a mechanism which will result in the creation of accessory affordable apartments or units within designated zones, as a conditional use. The provisions of this Ordinance will be applicable only in the R-R, R-60, R-30 and R-20 residential zones, and the creation of such units will cease upon the creation of fifty affordable accessory dwelling units.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Wall, County of Monmouth and State of New Jersey as follows:

Section 1. The following amendments are hereby made to various provisions of the Zoning Ordinance:

(a) Section 15-6, "RR, Rural Residential Zone", subsection 15-6.3, "Conditional Uses Permitted Subject to Issuance of a Conditional Use Permit Pursuant to Subsection 15-25.2 et seq.", is hereby amended to add the

following subparagraph:

"f. Affordable Accessory Apartments or Units."

(b) Section 15-10, "R-10 Residential Zone", subsection 15-10.3, "Conditional Uses Pursuant to Subsection 15-25.2, et seq.", is hereby amended to read, in full, as follows:

"Same as permitted in rural residential zone, except Affordable Accessory Apartments or Units."

Section 2. Chapter XV, "Zoning", Section 15-25, "Administration", of "The Revised General Ordinances of the Township of Wall, 1977", as amended and supplemented, is hereby further amended and supplemented by the addition to subsection 15-25.2, "Conditional Use Permit", of the following subparagraph:

"i. Affordable Accessory Apartments or Units.

a. Purpose. This section provides conditions and controls for the development of affordable accessory apartments in single-family dwellings in the RR, R-60, R-30 and R-20 zones only where they are permitted as a conditional use, and for the conversion of accessory structures existing as of the effective date of this ordinance in the aforesaid zones to affordable housing units. The purposes of this ordinance are:

1. to provide for the legal and orderly development of affordable accessory apartments;

2. to provide homeowners with a means of obtaining needed rental income, companionship, security and services, thereby enabling them to remain more comfortably in their homes and neighborhoods;

3. to meet the housing needs of persons with low and moderate income; and

4. to protect the stability, property values and single-family character of neighborhoods and to continue to protect the health, welfare and safety of the general public.

b. Conditions for accessory apartments may be incorporated in any single-family dwelling, provided the following conditions are met:

1. Owner Occupancy. At least one of the dwelling units shall be occupied by the owner(s) of the lot on which the dwellings are located.

2. Parking. Adequate off-street parking exists or will be provided for both the principal and accessory apartment on the subject property. Parking shall be in conformity with section 15-19 hereof. Adequate turn-around area shall be provided to prevent vehicles from having to back into the roadway.

3. Exterior Appearance. The principal dwelling and accessory apartment must, to the degree reasonably feasible, retain the appearance of a single-family dwelling. No additional entrances shall be permitted on the front of the principal dwelling. Dual access on a hallway to the outside is permitted. No unit shall be located above the second floor.

4. Size Requirements. The minimum gross floor area (see definition, following) of a single-family dwelling shall be at least fifteen hundred (1500) square feet to be eligible for the establishment of an accessory apartment. The net floor area of the accessory apartment shall be at least four hundred (400) square feet. The sizes of bedrooms in the apartment shall comply with the standards of the "New Jersey State Housing Code."

The net floor area of the accessory apartment shall not exceed the following percentage of the area of the single-family house or the following fixed amount, as the case may be:

If the area of the house is:	The net floor area of the apartment shall not exceed:
Less than 3,000 sq. ft.	40%, or 1,000 sq. ft., whichever is lesser
3,000 or more but less than 5,000 sq. ft.	30%, or 1,200 sq. ft., whichever is lesser
5,000 sq. ft. or more	20%, or 1,500 sq. ft., whichever is lesser

For the purpose of this subsection, the area of the single-family dwelling shall be the total gross floor area of all of the stories of the dwelling, measured from the outside faces of the exterior walls, including the areas of enclosures and additions to the dwelling that are proposed to be made for the purpose of an accessory apartment, basements, garages, if attached, and roofed and enclosed areas, such as porches and carports.

Also for the purposes of this subsection, the net floor area of the accessory apartment shall not include any hall providing the unit with access to the outdoors.

The accessory apartment is limited to a maximum of two (2) bedrooms.

c. Conditions for Detached Accessory Units. In order to be eligible for the issuance of a conditional use permit, an accessory structure shall meet the following conditions:

1. Owner Occupancy. The primary structure of the lot on which the accessory structure is located shall be occupied by the owner of the property.

2. Parking. As provided in subsection 15-25.2:b.2 herein.

3. Exterior Appearance. (Reserved)

4. Size Requirements. (Reserved)

5. Other Conditions.

(a) The accessory structure proposed for conversion to an affordable accessory dwelling unit shall be a structure which existed as of March 1, 1990.

d. Conditions Applicable to All Affordable Units. The

3. Minimum Lot Size. Accessory apartments^{or units}/shall not be permitted on lots of less than 20,000 square feet in area.

4. Maximum Number. The township will permit not more than 50 accessory apartments^{or units}/within the municipality. The maximum number shall be further restricted to 25 accessory apartments^{or units}/affordable to each of low and moderate income households.

e. Controls on Affordability and Occupancy:

1. As a condition of any Resolution granting a Conditional Use Permit for an accessory apartment,^{or unit}/the Planning Board shall require the recording of a Deed in the County Clerk's office, to appear in the chain of title, which shall set forth deed restrictions restricting occupancy to low or moderate households and in conformity with the regulations below. The deed restriction shall be effective for a minimum of ten (10) years.

2. Rents, excluding utilities, may not exceed thirty percent (30%) of the gross monthly income of the appropriate household size. The following criteria shall apply in determining rental amounts:

a. Efficiency units shall be affordable to one person households;

- b. One bedroom units shall be affordable to two person households;
- c. Two bedroom units shall be affordable to three person households;

Median income by household size shall be established by the uncapped Section 8 income limits published by HUD or other recognized standard adopted by COAH.

3. The owner of an accessory apartment ^{or unit} may submit the name of a proposed tenant to the Township Agent. In the event that the proposed tenant is certified eligible, the owner may enter into a leasing agreement for rental which is consistent with the restrictions set forth above. In the event that the owner does not have a proposed tenant, or the proposed tenant is not certified eligible, the Agent shall advise the owner of the names and addresses of eligible tenants, appropriate in size for the unit, from the Agent's waiting list. No owner shall rent an accessory apartment to anyone who has not been certified eligible by the Agent. ✓

4. Commencing one year after the initial renting of the unit, the unit owner shall certify to the Agent administering this Section the name(s) and

address(es) of each tenant who has occupied the unit during the past 12 months, the beginning and ending dates of their tenancy and that the tenant(s) were certified eligible by the Agent at the time of their initial occupancy of the unit."

Definitions. For the purposes of this subsection, the term "accessory apartment" shall mean a separate dwelling unit incorporated in a single-family dwelling. The term "accessory unit" shall be a dwelling unit contained in a detached structure accessory to a principal single-family residential structure. The term "incorporated in" shall mean completely contained within an existing single-family dwelling, provided that both dwelling units shall be attached by a common wall, floor or ceiling, and not simply attached by a breezeway or porch, wherein both dwelling units are contained within one building or the accessory apartment is contained within a pre-existing accessory structure on the same lot. The term "Agent" shall mean the Township Administrator, or his designee, who shall be responsible for administering all aspects of the Township's Accessory Apartment Program.

Section 3. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

Section 4. If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decision shall not invalidate the remaining portion of this Ordinance.

Section 5. This Ordinance shall take effect immediately upon passage, publication according to law, and filing with the Monmouth County Planning Board.

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on Feb. 28, 1990 and will be further considered for final passage and adoption at the Court Room, Police Headquarters Building, Allaire Road, Wall, New Jersey, on March 14, 1990 at 8:00 p.m., or as soon thereafter as the matter can be reached on the agenda at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to, and up to and including, the date of such meeting, copies of said Ordinance will be made available at the Clerk's office in the Township of Wall Town Hall to the members of the general public who shall request the same.

BEATRICE M. GASSNER
TOWNSHIP CLERK

Adopted 8/15/90